original .

FORM TO BE USED IN FILING COMPLAINT UNDER SHEVILLE. N.C. THE CIVIL RIGHTS ACT, 42 U.S.C. 1983

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROUSHACISTRICT COURT
DIVISION
W. DIST. OF N.C.

DIVISION

//o/Cy 36-My-2

(Leave this space blank)

Wayne Momas Johnson, Demands Jan T
P.O. BOX 2405
(Enter the full name and address of the plaintiff or plaintiffs)
PRISONER NO. 0213350 FRANKER SUE Medford, Tommy Maddox Jim Dunlap, Freddie Shewell (Enter the full name and address of the defendant or defendants) Same address
I. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes No
If your answer is "Yes", describe each such lawsuit in the space below (or on additional sheets if necessary):
Who was (were) the plaintiff(s) in the previous lawsuit?
Who was (were) the defendant(s) in the previous lawsuit?
In what court was the suit brought? (If in federal court, name the district; if in state court, name the county)

Date suit was filed:
Docket number (if known):
How did the lawsuit end? (For example, was it dismissed? Was it tried? Was it appealed? Is it still pending?)
II. Place of present confinement: Marion Cott. Inst.
R.O. Boh 24 05, Marion, N.C. 28752
(Give name and address of place of confinement)
III. Give name and address of person to contact should your address change:
H.C. Dept. of Correction, 831, Warranst.
IV. Parties Raleigh, N.C. 271602
(In item A below place your name and address first. List the names and addresses of any other plaintiffs.)
A. WAYNE Thomas Johnson
R.D. Boy 8465, Marion, N.C. 28752
(In item B below place the full name of the defendant, his official position and his place of employment in the first blank. List the names, official positions and places of employment of any other defendants in the remaining space.
B. Jim Dunlag is employed as a Part Sup!
Marion Dept of Cost at Marion NK. 28752
Dean Walker Supt MCI. PO. Box 2405,
Marion NC, 28752 3. Presnell Corr officer
MCI, P.O. BOX 2405 Marion N. 28752 Sus
Medford Medical Bapy " " " " " "
Tommy Maddox Sat. 11 " " " " " "
Freddie Shettel Dart Counselot " " 11 11 111
officer Painter Correctional officer, " " " "
Case 1:01-cv-00036-GCM Document 1 Filed 02/14/01 Page 2 of 21

V. Statement of claim

V. Statement of Claim
State here BRIEFLY the <u>FACTS</u> of your case. Tell what each defendant did. Include also dates, places and the names of other persons involved. If you intend to allege a number of related claims, number and set forth each claim in a SEPARATE PARAGRAPH. Use as much space as you need. Attach extra sheets if necessary.
(Junisdiction)
The Court has Jarisdiction over the
Plaint: FF's claims of Violation of Federal Consti
tutional rights under 42 ELSC, 33 1331(a) and
1343.
(Facts)
1). That on or about 10-16-00 Plaintiff was
granted a temporary leave by the Director of
Prisons, J.B. French. Plaintiff had a Medical
Emergency, an operation. That plaintiff was
taken out of the Dart Program and neverte-
intered in the Conjuter for the Dart Program
(2). That on or about 10-23-00 \$5,00 Wastate
or levied against Plaintiff's Prison account
or levied against Plaintiff's Prison account for the above emergency, Sue Med ford Defendant was responsible for this action.
Was responsible forthis action.
[3]. That on or about 11-3-60 Placetiff requeste
a Call Movement to get away from the Moise lev
Defendant Maddox displayed very itrational and
1-2 cialland Vated Discrimination toward

14). That on or about October 21, 00 Referred and
Presnell did Search Plaintiff's cell down,
Luxing this search Tetendant Presnell read
Some of the Contents of Plaintiff's Thial
Transcript that Plaintiff's Case is stillunder
appeal 5) That on or about 1-17-01, Refendant
Sterrell Carrel the Plaintitt While engaging in Conver-
VI. Relief
State BRIEFLY exactly what you want the court to do for you.
Where fore Plaintiff request that the Court
grant the following relief:
grant the Followling relief: A. Issue a declaratory Judgment Stating
that:
(1). The vacial Discrimination by defendants
Madday, Dunlag, Shortell and Walter Violeted
alle Plaintiff's tights under Due trocess and
Equal Protestion of Low of the 14th amendment
Signed this, 19,
Elayne Thomas Johnson

(Signature of plaintiff or plaintiffs.)
All who are plaintiffs must sign.

VERI	TT	CA	ጥ	T	Ωì	١:
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statement except a	We) declare UNDER PENALTY OF PERJURY that the foregoing its are true and correct to the best of my (our) knowledge, is to those matters that are stated in it on information and and as to those matters I (We) believe them to be true.
	Elayne Thomas Johnson
	(Signature of plaintiff or plaintiffs)
	IN FORMA PAUPERIS AFFIDAVIT
Iamar	wayne howas Johnson, attest under penalty ary that I am the petitioner in the above-entitled case; that pauper and because of my poverty I am unable to pay the costs are security to prosecute this action.
	further attest under penalty of perjury that the responses have made to questions and instructions below are true.
l. Are	you presently employed? Yes [] No [] If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer.
b.	If the answer if "No", state the date of last employment and the amount of the salary and wages per month which you received. December 1997 # 480.00
2. Have any a.	e you received within the past twelve months any money from of the following sources? Business, profession or form of self-employment? Yes [] No []
đ.	Rent payments, interest or dividends? Yes [] No [/] Pensions, annuities or life insurance payments? Yes [] No [] Gifts or inheritances? Yes [] No [/]
e.	Any other sources? Yes [] No []
money as	answer to any of the above is "Yes", describe each source of and state the amount received from each during the past twelve

CITE	ans	wer i		es", s		e total	l value	of the	items o	wned:
or	oth	er va	luab	le pro	state, perty (ing)?	exclud	ing ord	inary ho	, automo ousehold	biles,
If ap	the	answ imate	er i	s "Yes ue:	desc NA	ribe th	ne prop	erty and	i state	its
Ιf	the	answ	er i	f "Yes	". list	to who	om debt	s are o	[] No wed, the	amoun
				4/0~	*					
Li	st tour rontri	he pe elati bute	rson onsh towa	s who ip to rd the	are der those r ir supr	endent ersons ort:	upon y and i	ou for ndicate	support, how muc	state h you

I declare <u>UNDER PENALTY OF PERJURY</u> that the foregoing is true and correct.

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

Petitioner's signature (Required as to each Petitioner)

CERTIFICATE

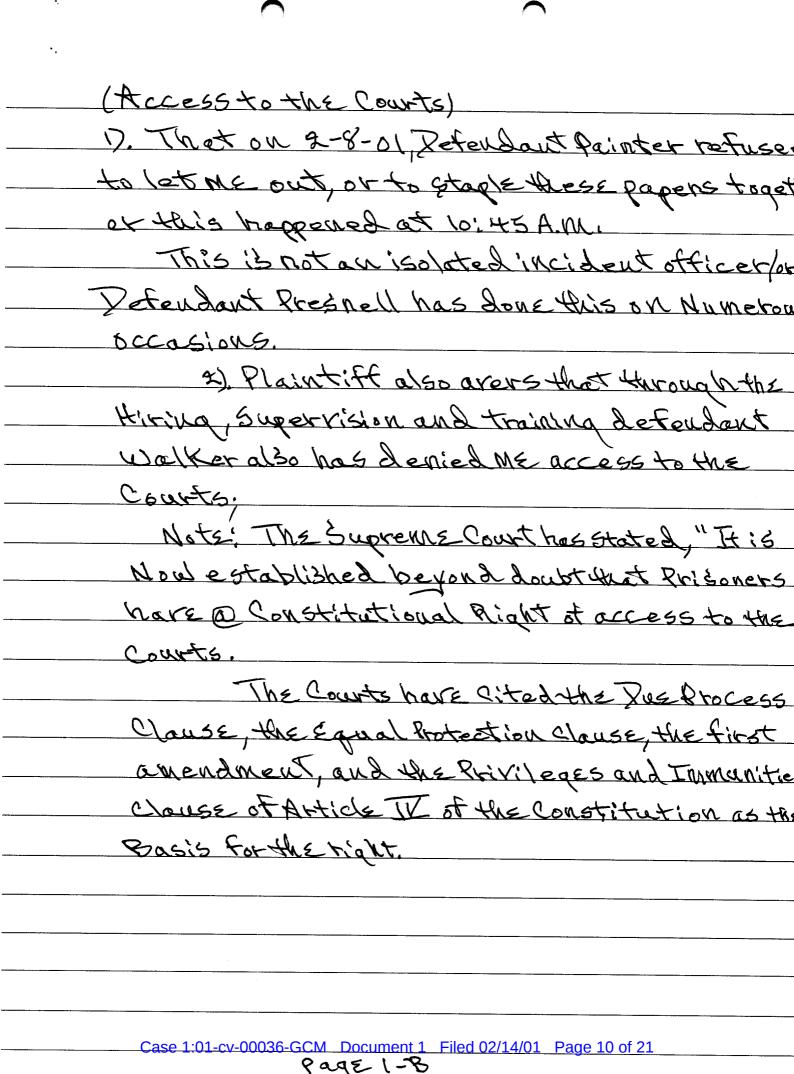
I hereby certify that the petitioner herein has the sum of on account to his credit at the MARION CORRECTIONAL
institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said MARION CORRECTIONAL institution: NA
This 90 day of FEBRUARY, 13001.
Paul Custent
Authorized Officer of Institution
$m{\prime}$

PRISONER CONSENT FORM

I hereby give permission to the Authorized Officer of the Institution in which I am housed,
Marial Cort Inst. to release a copy of my Commissary Account Statement to
the United States District Court for the Western District of North Carolina for the time period
beginning sixty (60) days before I signed my Application to Proceed In Forma Pauperis.
I recognize that the Court may consider my Commissary Account Statement in ruling on my
Application to Proceed In Forma Pauperis. I recognize also that my Commissary Account Statement
reflects the deposits and credits to my Commissary Account.
Signature and Prisoner Number 09 3350
Witnesses:
(who must be on the staff of the Institution where housed)
1
2
staff refused

(Statement of claim Continued) Sation about getting back in the Dart program, that Plaintiff is coart ordered to (6). Defendant Walker, is the superintendent of Marion Corn Institution, and is responsible to the Supervising thiring and Training all employee there of; Cindirect Participation, a Defendant maybe held liable if the Detendant set in notion a Series of events " that he or she knew or heason ably should have Known would Cause a Constitu tional violation, even it others actually pertorn ad the violation, officials who set policy, white regulations, orgine orders may be liab even if the are not directly involved in enforce ing them against the individual. (7). Jeferdant Lunlag has refused to put Plain tite back in the Dart program, after Plaintiff has written Several letters to the Defendant begging to get back in by doing to Defendant Dunlaphas Discriminated against Plaintiff

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Plaintiff Cites racial Discrimination as the main factor in these events with the exception of Josendant Medford Nots: There are No Caucasion Peer Counsels in the last program hers. Plaintiff asserts the African americans have on Several occasions went to segregations and allowed to complete the program. (8) Defendant Painter on or about the 15th of December 2000, did search the Plaintiff's Cel and Completely demolish it, trying to read Blaintiff's personal mail, and leaving Phintiff call not the way he found it. Plaintiff avers that all Detendant's hove acted under color of state law while in the Scope of their employment. Plaintiff Further avers that all Defendant are nevery susa in their individual Capacitie the with respect to their character and

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(Relief Continued) tothe united States Constitution 2). Detendant walkers failure to take action to curb these actions, Yiolated the Plaintiff's rights of Due Process and Equal Protection under the 14th anendment to the U.S. Constitu tion, Citing racial Discrimination. 3). Defoudants Painter and Presnell Violated Plaintiffs rights under 1st 4th 8th and fourteent amendments to the united States Constitution, in that Plaintiff, even though in Prison, is entitle to @ Minimal amount of privacy. Cases still under court order by way of appeal is the personal property of the plaintiff and the courts. rendus harassment is another form of Crueland unusual punishment

H). Detendant Medford Violated Plaintiff's rights by having \$5.00 taken away from Plaintiff's account for a life threatning situation Plaintiff overs that the Federal Government advandappeaces from Mathetic Report \$170 ends. Page 3 B. Issue an injunction ordering defendants Walker and Dunlap or their agents to: D. Immediately arrange for the Plaintiff \$5.00 to be put back inhis account. 2). Immediately reinstate Plaintiff to the Part program that is under court order. 3). I mmediately Carry out without Delay actions that will coase and and all racial dis Comminatory acts at the Marion Correctional C. I Bous an injunction, Wordering Defoudant Walker to personally make the necessary ajust mouts, and to porsonally tour the Marion Insti Lation So that any Inwates may speakwith him who has a registimate complaint and to create an open door policy. (8) To essure Plaintiff that their will be No retaliatory actions taken, against the Plain. exists to the moral server to interest the contract of the Rights.

D. Award Compensatory damages in the following D.\$ 10,000 jointly and Severally against defendants Painter, and Presnell for emotions and psycological injuries; and @ minimalamon 2). \$ 25,000 jointly and Severally against Jefendants Walker, Danlap and Medford, event Ful, that did emotionally injure the Paintiff by discrimination, Loss of Monsy and Violative of Plaintiff's Constitutional Rights, under Due Process and Equal Protection of the Laws. E. Award punitive damages in the following D. & 20,000 Each against detendants maddox and sherrell for their tacial and otherwise Discrimination: A Juny Trial, and F. Grant Such other and further relief as it May appear that the Plaintiffis entitled. This the 1:01-cv-brace Get Document 1, Filed 02/1402 3 age 2 to 211/ Subwitte

DC-410 (8/89)

NORTH CAROLINA DEPARTMENT OF CORRECTION DIVISION OF PRISONS ADMINISTRATIVE REMEDY PROCEDURE

1. Inmate Name: A AVI &	00/11/2/12. Inmate No.: 02/3350
3. Location: <u>F-3-5-10</u>	4. Date: \ - エエー つ\
5. Grievance Statement:	THE BOUT DOVE MY HISTERIA
- that 10 20 6 8	definite & train My occount
FOR THE TOPE	Se elloward Cut had back in
DCtober Whi	ou The Wall hope in The
My coll	of de lesson selections of the
time with	the golftones.
This has be	and the street of the street o
Medicaland	Mr. Cothren Soil I would
Get Wynes	V Yak
- Contraction	
6. What remedy would resolve your grieva	the state of the s
o. What remedy would resolve your grieva	ance: To got the same of the
- Vill Occoleration	
7. Inmate Signature:	
7. Immate Signature:	2 DAMAGE
	OFFICIAL USE
8. Date received: 1/1/2/17/	9
10 71:	Receiving Officer Signature
	can only be accepted when your current grievance completes step two.
11. Date delayed://	12. Screening Officer Signature
13. The grievance is rejected for the follow	
A. State or Federal Court Decision	
D. Action not yet taken	 B. Parole Commission Decision E. Exceeds 1 year time limit C. Appeals disciplinary action F. Remedy for another inmate
G. More than one incident	H. ARP procedures not followed I. Violates Disciplinary No. 38
J. Beyond control of DOC	If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening
	Officer, a photocopy of grievance is forwarded to Superintendent for review, and
	the original grievance is returned to inmate.
14. Rejection Justification:	
15 Data taingtod:	1/
15. Date rejected://	16. Screening Officer Signature 19. Grievance No.
17. Date accepted: 1. 125 101	
The second secon	18. Screening Officer Signature F3730-01-3032
tem #13, 15, or 17 to be completed within 3 Distribution: White to point of final disposition	3 calendar days of item #8.

NORTH CAROLINA DEPARTMENT OF CORRECTION DIVISION OF PRISONS ADMINISTRATIVE REMEDY PROCEDURE

Step One - Unit Response 20. Grievance No.: 22. Inmate No.: 22. Inmate No.:	21. Inmate Name: WAYNE JOHNSON
23. Grievance Response (Item #25 to be completed within 1	5 calendar days of date in item #17):
I have reviewed your complaint and submit the fo DART staff. Mr. Sherrill states that he has discus DART supervisor next week in an attempt to have	llowing. I have discussed this situation with the seed this matter with you. He will meet with the
No further Action Recommended.	
David C	Cothron, Unit Manager
24. Date :	25
	Superintendent Signature
26. (A) Agree with grievance response	(B) Appeal to Step Two (24-hour limit)
27. Date: 12-51-00	28. Washe Golivane Inmate Signature
Step Two - Area/Complex/Institution Response	
29. Step two response (Item #31 to be completed within 20 ca	alendar days of date in item #27):
	Program three times and each time you ss. You will not be reinstated in the
No further action recommended.	
30. Date: Sid Harkler	Administrator Signature
32. (A) Agree with grievance response	(B) Appeal to Secretary, DOC (24-hour limit)
1-19-01	To and ahren
33. Date:	Inmate Signature

DC-410 (8/89)

NORTH CAROLINA DEPARTMENT OF CORRECTION DIVISION OF PRISONS ADMINISTRATIVE REMEDY PROCEDURE

1. Inmate Name: WAVIS	Johnson 2. Inmate No.: C	213350
3. Location: <u>F-3-5-(0</u>) 4. Date: \ スー	3-00
5. Grievance Statement: On	0-16-00 I W= V	il to the hoesit
in Valdese	end hak an op.	eration to temov
My Gallblad	w. I reintered	the institution
00,10-23-00.	atthat time I	Led do Lugeale
test per the	Institutional	pacter atterneali
I attempted	to resume My Va	the stylespoor that
is court org	ered. I would a	Hen's at any tot
because Ir	lave a problem I	-antanalcobolic
- I don't have	any Problem Wi	the Fact six Wh
This past fri	Los 2 sle I profe	He to sno you dest
cass works	rs and askully	I wasn't in Dar
She told Me	- that I was not	I 'en the Couloute
6. What remedy would resolve your gri	evance?:	as being in Dat
to be put be	et in the Conjor	Extailand 19t
W P. Marpory	Heson Enotpece	dis stogtew.
7. Inmate Signature: Wayn	e Johnson	
	OFFICIAL USE	
8. Date received:/_/	9	and the second s
G. Bute received.	Receiving Officer Signature	Marian and the second
10. This grievance is returned a	nd can only be accepted when your current g	rievance completes step two.
11. Date delayed://	12.	
12. The enjoyenes is estant of factly fall.	Screening Officer Signature	
13. The grievance is rejected for the following.		
A. State or Federal Court DecisioD. Action not yet taken	n B. Parole Commission Decision E. Exceeds 1 year time limit	C. Appeals disciplinary action F. Remedy for another inmate
G. More than one incident	H. ARP procedures not followed	I. Violates Disciplinary No. 38
J. Beyond control of DOC	If grievance is rejected. # 13. # 14. #	15, and # 16 are completed by the Screening
	Officer, a photocopy of grievance is fo	rwarded to Superintendent for review, and
	the original grievance is returned to in	mate.
14. Rejection Justification:		
15. Date rejected:/_/	16	
	Screening Officer Signature	19. Grievance No.
17. Date accepted: _/- / _ /	18. And Parker	
	Screening Officer Signature	f = 0
Item #13, 15, or 17 to be completed within	3 calendar days of item #8. ion, Blue for Unit record; Green to inmate.	

DC-410A (8/89)

NORTH CAROLINA DEPARTMENT OF CORRECTION DIVISION OF PRISONS ADMINISTRATIVE REMEDY PROCEDURE

Step One - Unit Resp 20. Grievance No.:	······································	21, Inmate Name: WAYNE JOHNS	N
22. Inmate No.:	213350	MI, MINIMO A MINIMO	-
		n 15 calendar days of date in item #17):	
over sized envelopes	and packages prior to their	ger, staff has been instructed to examine the content on being placed in the mail. This does not apply to lead your conversation, your grievance is resolved.	
No further Action R	ecommended.		
	Garland Pa	atton, Unit Manager	
4. Date :		25	
		Superintendent Signature	
6. (A) Agree with g	rievance response	(B) Appeal to Step Two (24-hour limit)	
7. Date:/ 0 -	27-00	28. Thmate Signature	Personal Party of Security
Step Two - Area/Con	nplex/Institution Response	.	
		20 calendar days of date in item #27):	
	·		
0. Date :		31	
,		31Administrator Signature	
2. (A) Agree with g	rievance response	(B) Appeal to Secretary, DOC (24-hour limit))
		34Inmate Signature	

DISTRIBUTION: White to point of final disposition; Yellow to Area if appealed; Blue for Unit Record; Green to Inmate

-410 (8/89)

NORTH CAROLINA DEPARTMENT OF CORRECTION DIVISION OF PRISONS ADMINISTRATIVE REMEDY PROCEDURE



3. Location: F-3-5-10 4. Date: 10-9-0 5. Grievance Statement: 10-9-0 0FFICERS Presnella in A afficer Church	Tapprosched
officers Presnelland afficer Church	Lapprosched
	patturg twodo
a Legal Size Envelope in the Mailbox +	
by Mailtoon Personnel to do It's too be	tee for the hole
in the Box. This Legal matter's concerd	ing My Cace the
DO appeal This attacker client Priviled	of told dilight so
be opened by a Grand unless given who	itten Natice +6
is suspected to Contain Contraband. T	his also is denvio
Me aboress to the Courts: Denies Due Pr	occessand Equal
The state of the s	constitutional
basis for the Right "Privileged" mail-At	torder client
"See Attachment"	
6. What remedy would resolve your grievance?	rope et Robelle
"Vion Benefixing anion two	710000000
7. Inmate Signature: 12 January Colombia	
OFFICIAL USE	
8. Date received:/ 9. Receiving Officer Signature	
10. This grievance is returned and can only be accepted when your current grievance of	completes step two
11. Date delayed:// 12	on-p-ocos step tho:
Screening Officer Signature	
13. The grievance is rejected for the following reason(s): (Enter Code)	
A. State or Federal Court Decision B. Parole Commission Decision	C. Appeals disciplinary action
D. Action not yet taken E. Exceeds 1 year time limit G. More than one incident H. ARP procedures not followed	F. Remedy for another inmateI. Violates Disciplinary No. 38
J. Beyond control of DOC	
If grievance is rejected, # 13, # 14, # 15, and # Officer, a photocopy of grievance is forwarded to	
the original grievance is returned to inmate.	,
14. Rejection Justification:	-
14. Adjustineation.	
15. Date rejected:// 16 Screening Officer Signature	19. Grievance No.
17. Date accepted:// 18 Screening Officer Signature	and the second s
Item #13, 15, or 17 to be completed within 3 calendar days of item #8. Distribution: White to point of final disposition, Blue for Unit record; Green to inmate.	

NORTH CAROLINA DEPARTMENT OF CORRECTION

INITIAL PAYMENT FOR FILING FEE

INMATE: 0213350 - JOHNSON, WAYNE

IBSR176 (76)

CURR LOC: 3730 - MARION CI

DATE: 02/09/2001

CURR.BAL: \$.00

02/09/01

14:26:29

PAGE 1

STATUS: A - ACTIVE CANTEEN LMT: \$ 0.00 PCT: 100% SALES: \$ 0.00 HOLDS: \$ 0.00 DEBTS: \$ 161.50 SPENDABLE: \$ 0.00

DATE RANGE MONTHLY AVERAGE DEPOSITS MONTHLY CURRENT BALANCES 08/13 - 09/11 \$ 0.00 \$ 0.00 09/12 - 10/11 \$ 2.00 \$ 0.00 \$ 0.00 10/12 - 11/10 \$ 0.00 11/11 - 12/10 \$ 0.00 \$ 0.00 \$ 25.00 \$ 12/11 - 01/09 0.09 \$ 0.00 \$ 0.00 01/10 - 02/08

AVERAGE OVER 6 MONTHS DEPOSITS: \$ 4.50

BALANCES: \$ 0.02

CALCULATED INITIAL PAYMENT: \$ 0.90

NORTH CAROLINA DEPARTMENT OF CORRECTION

TRUST FUND ACCOUNT STATEMENT

FACILITY: 3730 - MARION CI

IBSR140 (60)

ACCT. NAME: JOHNSON, WAYNE

FOR: 08/01/00 - 01/31/01

ACCT#: 0213350

02/09/01

14:27:05

PAGE 1

BED: FU3S-010 TYPE: INMATE

ENDING BALANCE 01/31/01 \$ 0.00 INCLUDES CANTEEN LIMIT OF \$ 0.00

BATO	CH		REFERENCE				
DATE	NBR.	. TYPE	NUMBER	FACL	+/-	AMOUNT	BALANCE
01/21/01	007	CASHLS CANTEEN-I	2001-01-19	3730	- \$	0.09	\$ 0.00
12/21/00	042	CASHLS CANTEEN-I	2000-12-21	3730	- \$	7.41	\$ 0.09
12/20/00	023	FILING FEE WTH	1024001503B	3730	- \$	5.00	\$ 7.50
12/20/00	023	COPAY WITHDRAWAL	0927001925I	3730	- \$	0.50	\$ 12.50
12/20/00	023	COPAY WITHDRAWAL	0831001005I	3730	- \$	3.00	\$ 13.00
12/20/00	023	COPAY WITHDRAWAL	0824000940I	3730	- \$	3.00	\$ 16.00
12/20/00	023	COPAY WITHDRAWAL	0725000915I	3730	- \$	3.00	\$ 19.00
12/20/00	023	COPAY WITHDRAWAL	0608000950I	3730	- \$	3.00	\$ 22.00
12/20/00	016	MONEY ORDER DEP.	85888872808	3730	+ \$	25.00	\$ 25.00
09/20/00	034	CASHLS CANTEEN-I	2000-09-20	3730	- \$	0.34	\$ 0.00
09/19/00	034	CASHLS CANTEEN-I	2000-09-19	3730	- \$	1.66	\$ 0.34
09/18/00	011	DRAW FORWARDED	CASH	3730	+ \$	2.00	\$ 2.00
			BEGINN	ING BA	LANCE	08/01/00	\$ 0.00

DEBT DEBT			AMOUNT OF		AMOUNT		
DATE TIME	TYPE OF DEBT	D	EBT	STI	LL OWED		
09/27/00 19:25	MEDICAL -SICK CALL WITH NURSE	\$	3.00	\$	2.50		
10/24/00 15:03	FILING FEES-CASE#5:00-CT-490-F3	\$	150.00	\$	145.00		
11/27/00 11:30	•	\$	3.00	\$	3.00		
11/27/00 19:45		\$	3.00	\$	3.00		
11/30/00 08:15	DENTAL -SICK CALL/DENTIST	\$	3.00	\$	3.00		